

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA

v.

PAULETTE MARTIN, et al.

No. 07-4060

No. 07-4059 (L)

* * * * *

MOTION FOR LEAVE TO FILE BRIEF OUT OF TIME

Come now Appellant herein, Paulette Martin, by and through her counsel, Michael D. Montemarano, Esq., and Michael D. Montemarano, P.A., as appointed counsel pursuant to the CJA, and on behalf of the other Appellants herein, and does move for leave to file the Brief of Appellants out of time, to wit, one day late, and in support thereof does state:

1. The Joint Brief of Appellants per F.R.A.P 30(c) (page proof brief) was due on November 1, 2010, per the current briefing order.
2. Counsel did not receive the final submissions and clarifications from cocounsel for the five other Appellants until the date of this Motion.
3. Therefore, counsel could not file the page proof Joint Brief as required by the briefing order.
4. Appellants therefore request that the page proof Joint Brief be accepted for filing on November 2 as being filed in a timely fashion.
5. Counsel for Appellant is authorized to state that counsel for Appellee consents to the grant of the requested relief.

Respectfully submitted,

November 2, 2010

/s/

MICHAEL D. MONTEMARANO

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For Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or before this 2nd day of November, 2010, a copy of the foregoing *Motion For Leave to File Brief Out of Time* was filed via CM-ECF, and served via direct email, on Daniel Goodman, Esq., US Department of Justice, Criminal Appellate Section, 1264 Main Building, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

/s/

MICHAEL D. MONTEMARANO